



Date: January 20, 2006
To: Members of the Marine Advisory Commission
From: Mark A. Sandoval, Manager of Marinas and Beaches
Subject: MEETING MINUTES OF JANUARY 12, 2006
MARINE ADVISORY COMMISSION (MAC)

Commissioners Present

Richard L. Miller, Chair
Bradley Whyte, Vice Chair
Mike Malbon
Holly Carpenter
Harry Hutton
Randy Crawford
Mike Reed
Peter Hogenson

Commissioners Absent

Dave Calhoun

Marine Bureau Personnel

Mark Sandoval, Manager
Vivian Crook, Secretary

City Staff

Jeff Edwards, Supt. Maint. Oper. Bureau
Mark Boone, Chief, Marine Safety, LBFD
Tom Keleher, LBPD Sergeant, Marine Patrol
Avonne Gravel, Admin. Analyst, 3rd Dist.
Robert Lafoon-Villegas, Admin. Analyst, 2nd Dist.
Phil Hester, Director, PRM
Tom Shippey, Manager, Maint. Ops. Bureau

Guests

Amy Bently-Smith, Grunion Gazette
Joe Segura, Press Telegram
Don Cobleigh, LBMBOA
Laura Kennedy
Tom Stewart
Eileen Payne
Carl Kirnbauer
Dave Kingsboro
Maria Galang
Justin Cleveland
Jeff Adnoff
Ted Kuhn
Joan Lyon
Dee Schumacher
Doug Dworski

Chairman Miller convened the meeting at 2:30 p.m., at the Long Beach Yacht Club.

ROLL CALL

Mark Sandoval called the roll of commissioners and introduced Marine Bureau personnel and City staff and guests.

CONSENT CALENDAR

The November 17, 2005, MAC minutes were reviewed and approved as submitted.

PUBLIC COMMENT

- none

OLD BUSINESS

- Mark Sandoval addressed the Tree Trimming Policy and explained that the most important point of the policy is that trees will not be trimmed if there is any sign of nesting activity in or near the tree to be trimmed. Environmentalists and an ornithologist are used to advise the City which trees can and cannot be trimmed. The City does not want to do anything that would be perceived as having a negative consequence to nesting activity. A couple of ideas came up for review, i.e., a product called Bird X, and aggressive trimming of trees prior to the nesting period. The long-term solution would be to remove the trees with berries that cause the problem. This however is a budget issue. In the interim, the Department is asking for support of the policy brought before the MAC at last month's meeting.

It was moved by Commissioner Malbon and seconded by Commissioner Crawford that the MAC support the Tree Trimming Policy as presented. The motion passed unanimously.

- The MAC reviewed again Laura Kennedy's slip permit, which was cancelled a number of times for non-payment. Laura Kennedy signed a statement after her second cancellation acknowledging that if she were cancelled again her permit would not be reinstated.

Mark Sandoval reported that the Rules and Regulations (R & R) Committee reviewed the Three Strikes Policy last month. The committee proposed a Two Strikes Policy and added that after two years without any late fees, the first strike would be dropped. He stated that, in essence, if the R&R Committee believes that this policy should be implemented, then Laura Kennedy's cancellation should stand.

It was moved by Commissioner Crawford and seconded by Commissioner Whyte that the MAC support the cancellation of Laura Kennedy's slip permit. Commissioner Reed opposed.

NEW BUSINESS

- A meeting regarding the Seaport Marina Hotel development will be held this coming Tuesday, January 17, at 2:30 p.m., at the hotel. The MAC Facilities Committee will attend the meeting. The meeting is open to the public.

- The MAC reviewed the cancellation of Maria Galang's slip permit. Ms. Galang's slip permit was cancelled the first time for non-payment, the second time for unseaworthy vessel, and the third time again for non-payment. Maria Galang signed a statement after her second cancellation acknowledging that if she were cancelled again her permit would not be reinstated.

Justin Cleveland, Mr. Galang's stepson, stated that his mother was divorced from Mr. Galang two years before Mr. Galang died, and that the responsibility of taking over the boat and slip was a lot for her to handle. He said that he would be taking over responsibility for the boat and slip, and that he would be making the monthly payments on the slip. Mr. Cleveland said that he tried to get the boat inspected this week. He said he was going to borrow someone else's motor to get the boat over to the dock for inspection. The Bureau informed Ms. Galang that they would not inspect her vessel because her slip permit cancellation was going to be reviewed by the MAC, and that the Bureau was going to wait for the outcome of that review.

Mark Sandoval clarified that the third cancellation was for non-payment, not for unseaworthy vessel. He asked if Ms. Galang retained the vessel as part of the divorce settlement, or if it went to Mr. Galang.

She stated that Mr. Galang got the vessel in the divorce, but that it was still going through probate when he died, upon which she retained the vessel. The boat is still in Mr. Galang's name, however she said she intends to put it in her name.

Commissioner Crawford felt that the issue of whether or not she is a legitimate permittee should be reviewed.

Mark Sandoval said that he would look into that issue; however, he didn't feel it was relevant because her cancellation was for non-payment not for change of vessel ownership.

Commissioner Whyte agreed that the last cancellation was for non-payment, and not because the slip should not have been reinstated in her name. He said that the MAC should act on the issue of non-payment.

Mark Sandoval stated that if a mistake was made with regard to her being a legitimate permittee, it was made in her favor. He said that after she was cancelled the second time, she signed a statement acknowledging that a third cancellation would stand without the possibility of reinstatement. Her legitimate status as a permittee is immaterial because she was cancelled the third time for non-payment.

After more discussion:

It was moved by Commissioner Crawford and seconded by Commissioner Whyte that the MAC Operations Committee review Maria Galang's slip permit cancellation, and then bring it back to the MAC in February.

Commissioner Crawford modified his motion to allow that Maria Galang be given a one month extension on a temporary assignment, to allow time for her to meet with Mark Sandoval to re-review her cancellation, then take it to the Operations Committee, and bring it back again before the MAC at next month's meeting. The motion passed unanimously.

- Mark Sandoval said that for future meetings he would give the boatowners the same outline of events provided to the Commissioners regarding the reasons for of their slip permit cancellation, prior to their meeting with the MAC.
- Tom Stewart addressed the MAC and stated that the City Attorney had instructed him to go before the MAC regarding his desire to liveaboard his 20-foot vessel. He said that he is allowed to stay aboard his vessel 12-nights per month, but that it is not enough. He went on to talk about various issues, situations, and concerns.

Chairman Miller said to Mr. Stewart that he fulfilled the request of the City Attorney to appear before the MAC, but that this was not the forum for his issues. No action was taken.

Mark Sandoval stated that as long as Mr. Stewart abides by the Rules and Regulations as established, including the 12-night rule, he should have no problems.

- Mr. Kingsboro reviewed the outline provided him regarding his slip permit cancellation and could not argue with its contents. He said that his vessel was in a shipyard in Wilmington, and that he did not know when he would get it out.

Mark Sandoval stated that Mr. Kingsboro was offered a Leave of Absence, which would allow him a year to reactivate to the waiting list.

Mr. Kingsboro said that he would accept a Leave of Absence, and once his boat comes out of the shipyard he will notify the Marine Bureau of his desire to come back into the marina.

It was moved by Commissioner Crawford and seconded by Commissioner Carpenter that the MAC support the Marine Bureau placing Mr. Kingsboro on a Leave of Absence. The motion passed unanimously.

- Jeffrey Adnoff reviewed the outline provided him regarding the cancellation of his slip permit and said that he did not realize his situation was that bad. He gave reasons why his slip was cancelled three times. He said the first time his slip was cancelled because he and his wife bought a farm in Hawaii and he ran short on his ability to pay his slip fees. The second time he was cancelled was because a woman he hired to work on his boat was found to be living aboard. He gave her his keys to the gate, and his boat, but said that he did not know that she was living aboard. His third cancellation was again for non-payment. He said that he lives in Hawaii, but that he wants to hold on to a bit of California by keeping his boat on N dock.

Commissioner Hutton said that he was uncomfortable that one of the strikes was issued because the woman was found to be living aboard Mr. Adnoff's vessel while he was out of state, and that Mr. Adnoff claims that he did not know the woman was living aboard.

Commissioner Whyte remarked that people are responsible for making the payments that they agree to make, and that they are responsible for living up to the agreements they sign. He felt that the cancellation should be upheld.

Mr. Adnoff said that he could get letters from people who will back him up regarding his claim that he did not give permission for the woman to live aboard his vessel.

Commissioner Crawford said that he would like to have Mr. Adnoff provide signed letters stating that he did not give permission for the woman to liveaboard. He said that this would help to eliminate one of the strikes against him.

Mark Sandoval stated that Doug Parsons was very strict with the rules and that he felt that a rule had been broken.

Commissioner Carpenter said that she was sorry for everyone's problems, but that everyone has problems. Her concern is that everyone keeps signing these agreements acknowledge that if they are cancelled a third time they will not be reinstated; and then they come before the MAC requesting reinstatement.

It was moved by Commissioner Crawford and seconded by Commissioner Whyte that the MAC support the cancellation of Mr. Adnoff's slip permit. The motion passed four to three.

Chairman Miller said asked that an extension be given to allow Mr. Adnoff time to bring forward letters that might prove he did not know the woman was living aboard his vessel.

Commissioner Crawford then said he wanted to rescind his previous motion and give Mr. Adnoff one month on a temporary assignment to allow him time to provide letters stating that he did not give permission for the woman to liveaboard his vessel. The issue to be reviewed again at the February MAC meeting.

After some discussion:

It was moved by Commissioner Malbon and seconded by Commissioner Crawford that the MAC rescind the previous motion. The motion passed with Commissioner Whyte opposed.

It was moved by Commissioner Crawford and seconded by Commissioner Malbon that Mr. Adnoff be allowed a one month temporary assignment, during which time he will provide to the MAC letters with appropriate and very specific language from individuals who will verify that he did not have knowledge that the woman was living aboard his vessel. This issue will be re-reviewed by the MAC at the February meeting. The motion passed with Commissioner Whyte opposed.

Rules and Regulations Committee

Mark Sandoval asked that the MAC support the position of the Rules and Regulations Committee on the following rules:

- Three Strikes Rule: The Committee recommended that a cancellation for non-pay be separated from the three-strike rule. Mark Sandoval however was reluctant to segregate cancellations by type. He stated that a cancellation is a cancellation regardless of the type of rule violation.

Commissioner Malbon agreed and felt that "non-pay" should be dropped from the language and it should be a cancellation for any rule violation.

Mark Sandoval explained that when he first came onboard as Manager, a \$50 reinstatement fee was in place. Individuals would be cancelled and then turn around and pay a reinstatement fee. The fee was increased to \$100, but there was no change, in fact, there were more cancellations. The fee was changed to \$100 for the first cancellation, \$200 for the second cancellation reinstatement and so on. But this policy also did not work because people just kept paying the higher fee. Finally, a limit on cancellations was put in place.

Chairman Miller felt the issue should go back to the Rules and Regulations Committee for review.

- **Waiting List Fee:** At present, the cost to apply to the Waiting List (WL) is a \$75 one-time fee. A person on the list can jump three times from one size slip to another. As staff goes through the WL they are finding out that many people are no longer interested in a slip. Mark Sandoval is proposing that the WL fee apply to one size list for one year. This is consistent with other marinas up and down the coast and will help to keep only those who are really serious about getting a slip on the list.

Commissioner Reed felt that a WL fee of \$75 is too expensive, and that \$50 would be more reasonable.

Mark Sandoval said that he had no problem with dropping the WL fee down to \$50.

The Commissioners agreed that \$50 would be more a reasonable fee.

- **Pass Over List:** Mark Sandoval explained that if a person is contacted for a slip off the WL and they are not ready, they could be placed on the Pass Over List for up to one year. They must then reactivate from the Pass Over List before the year is up. Mark would like to change the time allowed on the Pass Over List from one year to six months.

The MAC was in support of this change.

- **Vendors Insurance:** Mark Sandoval proposed that vendors who work in the marinas carry \$100,000 general liability insurance.

The committee was concerned that certain types of services would not be able to afford \$100,000, and asked the Marine Bureau to recommend what level of insurance would apply to various types of vendors.

- **Dilapidated Vehicle:** Mark Sandoval said that he is looking for support for a dilapidated vehicle rule. He said that he would draft a definition of a dilapidated vehicle.

Chairman Miller sent this item back to the Rules and Regulations Committee for review.

Commissioner Malbon remarked that boat owners, liveaboards, Marine Bureau staff, and MAC members were involved in reviewing these rules.

BUREAU MANAGER'S REPORT

Marina Operations Report

Mark Sandoval gave the report for the Marine Bureau Major Accomplishments, the Monthly Fund Budget Report for ABM/LBSM/RBH, the Total Vessels In and Out by Marina, and the Slip Status Report for the month of December.

- Revenue is below budget due to attrition program.
- Currently slips are being filled in most all sizes.
- The LBSM rebuild should be complete by April 2007.

Maintenance Operations Report

Jeff Edwards gave the Marine Maintenance status report for the month of December.

- The newly installed rest room building on the Belmont Veterans Memorial Pier was open for a short time and then, due to a number of infrastructure problems, the pumps failed. The rest room is now closed and the problem is being rectified.
- Vessel pumpouts were installed in LBSM on Dock AA and the Parkers' Dock. A Department of Boating and Waterways grant has been approved. This grant money will be used to replace or repair the vessel pumpouts in ABM.
- The Colorado Lagoon tide gates are deteriorated. The gates are now fully open, which will help with possible future storms. The gates will remain open until a solution can be devised.
- Herons have chosen a dense group of palm trees near Schooner or Later and are creating a health and safety issue for the restaurant. Per the ornithologist, the birds are not nesting in the trees at this time. The trees will be relocated to another area in the City and replaced with African Violets. This project was done with the help of outside funding.
- Chairman Miller said that the bridge at the Colorado Lagoon needs attention. Jeff Edwards said that the Preventative Maintenance Crew will be dedicated to that issue.

Marine Safety Report

Chief Mark Boone gave the Marine Safety status report for the month of December.

- A new rescue boat will be delivered the first or second week of February.
- Approval has been just received to replace the small Radovich boats.
- A pre-construction meeting was held regarding a dive vehicle. The Federal Government will pay for it. Lifeguards will take delivery in six months.

Marine Patrol Report

Sergeant Tom Keleher reported on Marine Patrol activities for the month of December.

- Marine Patrol Officers captured a burglar coming out of the Crab Pot restaurant.
- Marine Patrol Officers caught a crew of burglars breaking into cars in LBSM. Four people were apprehended.
- Don Cobleigh wanted to let Marine Patrol Officers know that this last month a lot of boaters have approached him to say that they wanted to congratulate the officers for the good job they're doing. They said the officers are making themselves very visible on the docks.

Executive MAC

- All items covered.

Operations Committee

- Mark Sandoval spoke to the restaurant proposal that came before the MAC at a previous meeting. He said that the Operations Committee wants the MAC to look at the restaurant proposal and the Seaport Marina Hotel proposal as one development, because both of them will have traffic and parking ramifications. Mark has informed Community Development of this and he hopes that the meeting on January 17 will have some discussion about the restaurant.

Facilities Committee

- Commissioner Reed spoke about the \$1 million dollar settlement (for pollution of the environment by a company that produced 7up and RC Cola) he reported on in November. He said that he called the prosecutor in charge and left a message, but hasn't received a return call. He said he also talked to the Long Beach City Attorney who said he would review the issue, but he has not heard from him. He said that it sounds like all the money is spoken for and chances are the City of Long Beach will not see any of it.

The MAC commissioners commended him for his efforts.

COMMENTS FROM THE AUDIENCE

- Joan Lyon, ABM boatowner for 30 years, addressed the MAC. She said that it has been brought to her attention that there will be no guest slips in LBSM after the rebuild. She said that boaters stop in Long Beach on their way to and from Seattle to San Diego. She asked Mr. Sandoval how guest slips are going to be made available if there are no plans for them. She said that Long Beach is a boating city, and not having guest slips will impact tourists. She urged good planning ahead of time to assure that there will be guest slips.

Mark Sandoval said that guest slips are not available during the reconstruction. He also said that there are no specific designs for guest slips in the rebuild and that he hasn't determined how guests will be handled once the rebuild is completed, but that he can assure people that there will be guest slips.

Chairman Miller stated that MAC is dedicated to making sure that these kinds of activities remain within the aquatic community in Long Beach.

- Doug Deworski, LBSM boater, said that it has been difficult to organize get-togethers because there are no guest slips available and that the Bureau is not making good use of empty slips that are available.

He also said that A-dock has two pump-outs, but no fresh water accommodations.

Mark Sandoval said that the contractor will be installing fresh water.

- Laura Kennedy commented that legal anchorage is disappearing from the coast. She asked how the mooring can program was coming along.

Mark Sandoval explained where and how mooring cans will be built and operated. He said that the Bureau is going through the permitting process and is also in the process of developing a contract with a company that will upgrade the restaurant and provide amenities on the pier and also manage the mooring program. He said that, once completed, the Aqualink and the Passport will come to the pier.

COMMENTS FROM COMMISSIONERS

- None

ADJOURNMENT

Meeting adjourned at 5 p.m. The next meeting is set for February 9, 2006, at 2:30 p.m. at the Long Beach Yacht Club.

cc: Phil T. Hester, Director of Parks, Recreation and Marine
City Clerk